

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

ERIC D. SMITH,	)	
	)	
Petitioner,	)	
v.	)	No. 2:10-cv-292-WTL-DML
	)	
SUPERINTENDENT BASINGER,	)	
	)	
Respondent.	)	

**Entry Discussing Motion for Reconsideration**

"A motion to reconsider asks that a decision be reexamined in light of additional legal arguments, a change of law, or an argument that was overlooked earlier . . . ." *Patel v. Gonzales* 442 F.3d 1011, 1015-16 (7th Cir. 2006). In this case, habeas petitioner Eric Smith seeks reconsideration of the portion of the Entry issued on November 16, 2010, wherein the court summarily dismissed as legally insufficient the claim from his petition in which he alleged that the punishment he received after having been found to have violated prison conduct rules was excessive.


The court properly explained in the challenged Entry that the petition for writ of habeas corpus was subject to preliminary review pursuant to Rule 4 of the *Rules Governing Section 2254 Proceedings in the United States District Court*. The court then explained in summarily dismissing claim three that violations of state law will not support relief pursuant to 28 U.S.C. § 2254(a).

The character of the dismissed claim three has been identified. The severity of the sanctions imposed does not present a cognizable claim under 28 U.S.C. § 2254(a) in the circumstances of this case. See *Townsend v. Burke*, 334 U.S. 736, 741 (1948) ("The [petitioner's] sentence being within the limits set by the statute, its severity would not be grounds for relief here even on direct review of the conviction, much less on review of the state court's denial of habeas corpus."); *Koo v. McBride*, 124 F.3d 869, 875 (7th Cir. 1997) (the issue of sentencing within the parameters of state law is ordinarily outside the realm of federal habeas review).

Based on the foregoing, therefore, the petitioner's motion to reconsider, styled as a motion to amend order to show cause (dkt 15), is **denied**.

**IT IS SO ORDERED.**

Date: 12/23/2010



Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

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